

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JACK B. WILSON

PLAINTIFF

v.

No. 4:16CV91-SA-JMV

**WEXFORD HEALTH SOURCES
CEO & President, ET AL.**

DEFENDANT(S)

ORDER SETTING SPEARS HEARING

After reviewing the *pro se* complaint submitted by the plaintiff, it is

ORDERED:

1. No process will issue until after the *Spears* hearing which is set for **Monday, June 13, 2016 at 9:30 A.M. at 305 Main Street, Federal Building, Third Floor, Courtroom No. 2, Greenville, Mississippi, before United States Magistrate Judge Jane M. Virden.**

2. The courtroom has video conference capability. The Mississippi Department of Corrections (“MDOC”) may transport the plaintiff to the courthouse or to any video conference facility within MDOC; the decision will be left to MDOC discretion in light of safety and budgetary concerns. The proceeding will be recorded by audio recording device. Witnesses will be sworn by the deputy clerk, who will be present in the courtroom.

3. The defendants must have available their counsel, the plaintiff’s administrative record, and a representative capable of identifying and authenticating the administrative record. If the plaintiff has claimed injury, the plaintiff’s medical records and a witness able to interpret them must be available, and **the defendants must forward a certified copy of the plaintiff’s medical records to the court no later than 14 days before the Spears hearing.**

4. The plaintiff may not propound discovery requests to the defendants until permitted to do so by the court.

5. If the plaintiff is awarded damages or other funds as a result of this litigation, whether by way of satisfaction of a judgment, compromise, settlement, or otherwise, the plaintiff

will remain liable to the United States for the reimbursement of all court costs, fees and expenses which he has caused to be incurred in the course of this litigation, and the United States will have a lien against such damages or other moneys until the United States has been fully reimbursed for those court costs, fees and expenses by payment into the court under 28 U.S.C. § 1915(d).

6. The plaintiff must acknowledge receipt of this order by signing the enclosed acknowledgment form and returning it to the court within 14 days of this date.

The plaintiff is warned that failure to keep the court informed of his current address may result in the dismissal of this lawsuit.

The plaintiff is also warned that his failure to comply with the requirements of this order may lead to the dismissal of this lawsuit under Rule 41(b), Federal Rules of Civil Procedure, for failure to prosecute and failure to comply with an order of the court.

THIS the 16th day of May, 2016.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DERRICK SUMRALL

PLAINTIFF

v.

No. 4:16CV47-SA-JMV

MARCUS DAVIS, ET AL.

DEFENDANT(S)

ACKNOWLEDGMENT OF RECEIPT

I, Plaintiff, hereby acknowledge that I have this day received a copy of: **ORDER
SETTING SPEARS HEARING** dated

This, the _____ day of _____, 2016.

PLAINTIFF

Please return this Acknowledgment Form to:

Clerk, U.S. District Court
Pro Se Law Clerk
301 W. Commerce St. #13
Aberdeen, MS 39730